



Corporation of the Town of Newmarket

By-law 2023-71

A By-law to adopt Amendment Number 38 to the Town of Newmarket Official Plan, Amending Official Plan Amendment Number 10, the Urban Centres Secondary Plan (17175 Yonge Street – St. Maurice & St. Verena Coptic Orthodox Church).

The Council of the Corporation of the Town of Newmarket, in accordance with the provisions of Section 17(22) and 21 of the Planning Act, RSO 1990, c.P.13, hereby enacts as follows:

1. That Amendment Number 38 to the Town of Newmarket Official Plan, consisting of the following explanatory text, is hereby adopted.
2. And that this By-law shall come into force and take effect on the day of the final passing thereof.

Enacted this 11th day of December, 2023.

John Taylor, Mayor

Lisa Lyons, Town Clerk

**Amendment No. 38
to the
Town of Newmarket Official Plan**

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PART A THE PREAMBLE

The Preamble provides an explanation of the amendment, including the location and purpose of the proposed amendment, basis of the amendment and a summary of the changes to the Town of Newmarket Official Plan, but does not form part of this amendment.

1. Purpose of the Amendment

The purpose of this amendment is to amend policies and schedules of Section II of the Town of Newmarket Official Plan (OPA No. 10), also known as the Newmarket Urban Centres Secondary Plan (Secondary Plan) to facilitate a 10-storey mixed use development that exceeds the maximum permitted density.

2. Location

The proposed amendments are made to the text and schedules of the Secondary Plan and are applied to 17175 Yonge Street as shown on Map 1 to this amendment.

The subject land is located on the east side of Yonge Street, north of Eagle Street. The subject land is known as 17175 Yonge Street. Legally it is described as PT LOT 1 PLAN 49 (W) AS IN R260408, SAVE & EXCEPT PT 1 EXPROP PLAN YR2071513; S/T A43236A & A58199A; S/T EASE OVER PTS 2 & 3 EXPROP PLAN YR2071513 SUBJECT TO AN EASEMENT IN GROSS OVER PARTS 2,3 AND 9, 65R39444 AS IN YR3329019 SUBJECT TO AN EASEMENT IN GROSS OVER PARTS 4,5,6,8 AND 10, 65R39444 AS IN YR3329020 TOWN OF NEWMARKET.

3. Basis

The proposed amendment is privately initiated by the property owner and is intended to add a site-specific exception to the subject land on Schedule 4 – Height and Density and redesignate a portion of the subject land as “Natural Heritage System” on Schedule 3 – Land Use, Schedule 4 – Height and Density, and Schedule 6 – Parks, Open Space & Natural Heritage to facilitate a mixed-use development on the subject land.

1. The Amendment provides an appropriate level of intensification on an underutilized property in the Newmarket Urban Centre that is well served by existing transit and infrastructure. The subject land is located with immediate access to a Bus Rapid Transit station (Viva Blue). The Amendment provides intensified, transit supportive development in support of Provincial, Regional and local policy.
2. The Provincial Policy Statement 2020 (“PPS”) sets out the overall direction on matters of provincial interest related to land use planning and development and includes policies that encourage new growth within existing settlement areas

and areas served by existing and planning infrastructure. The PPS promotes efficient, cost-effective development and land use patterns that are based on densities which:

- a. Efficiently use land, resources, infrastructure, and public service facilities;
- b. Are appropriate for, and efficiently use, the infrastructure and public facilities which are planned or available;
- c. Minimize the length and number of vehicle trips by supporting active transportation and public transportation;
- d. Provide a mix of land uses.

The proposed Amendment is consistent with the PPS.

3. A Place to Grow: Growth Plan for the Greater Golden Horseshoe 2020 (“Growth Plan”) is intended to guide decisions on a wide range of issues including economic development, land use planning, urban form, and housing. The Growth Plan supports transit-supportive intensification within built-up areas, with a particular focus on urban growth centres (which the site is located within). The Amendment provides appropriate development in an area that is proposed to accommodate significant intensification and will assist the Region of York and Town of Newmarket to meet their intensification targets and minimum density requirements, as outlined in the Growth Plan. The proposed Amendment will provide for the redevelopment of an underutilized site, in an area that is well-served by existing transit and will make use of existing infrastructure. The Amendment conforms with the Growth Plan.
4. The York Region Official Plan (“YROP”) identifies the Amendment area as being within an Urban Area, it is also located along a Regional Corridor. The YROP directs and encourages growth to be accommodated within the existing Urban Area and within Regional Corridors. The proposed Amendment is consistent with the YROP.
5. The Urban Centres Secondary Plan, as amended designates the subject lands Mixed Use. The Mixed Use designation permits the proposed use, however, the maximum floor space index (FSI) is 2.5, whereas the proposed FSI is up to 3.7. The proposed development meets the maximum height requirements (in stores) and the intent of the Official Plan and Secondary Plan.
6. The subject land is subject to the Urban Centres Secondary Plan. The Plan includes the centres and corridors in Newmarket which are to be a focus for intensification. The intent of this Amendment is to conform with provincial, regional and local policies regarding intensification, and transit-supportive compact development. The proposed development builds upon the planning regime that was implemented through the adoption of the Secondary Plan.

Item 1 Section 15.0 Exceptions

- Adding permission for a site specific maximum permitted density.

Item 2 Schedule 3: Land Use

- Update mapping for Mixed Use Designation and Natural Heritage System designation on the subject land.

Item 3 Schedule 4: Height and Density

- Indicating that the subject lands are subject to Section 15.0 exceptions.
- Update mapping for Natural Heritage System designation on the subject land.

Item 4 Schedule 6: Parks, Open Space & Natural Heritage

- Update mapping for Natural Heritage System designation on the subject land.

Item 5 Vegetation Protection Zones

- Specify the size and extent of minimum vegetation protection zones.

PART B THE AMENDMENT

The Amendment describes the additions, deletions and/or modifications to Section II of the Town of Newmarket Official Plan and constitutes Official Plan Amendment No. 38.

1. Format of the Amendment

Official Plan Amendment No. 38 consists of the following proposed modifications to the text and Schedules to Section II of the Town of Newmarket Official Plan, also known as Newmarket Urban Centres Secondary Plan (Secondary Plan). Sections and Schedules of the Secondary Plan proposed for modifications are identified as “**Items**”.

Where additions to the existing text are proposed, they are identified in “**bold**”. Where the text is proposed to be deleted, it is shown in “~~strikethrough~~”. Where appropriate, unchanged text has been included for context and does not constitute part of Official Plan Amendment No. 38.

2. Details of the Amendment

Item 1 Section 15.0 Exceptions

- a) Adding the following to Section 15.

7. 17175 Yonge Street

Notwithstanding any provision of this Plan to the contrary, the maximum site density and on the lands municipally known as 17175 Yonge Street (legally described as PT LOT 1 PLAN 49 (W) AS IN R260408, SAVE & EXCEPT PT 1 EXPROP PLAN YR2071513; S/T A43236A & A58199A; S/T EASE OVER PTS 2 & 3 EXPROP PLAN YR2071513; S/T EASEMENT OVER PTS 4, 5, 6, 8 AND 10 ON PLAN 65R-39444 AS IN YR3329020; S/T EASEMENT OVER PARTS 2, 3 AND 9 ON PLAN 65R-39444 AS IN YR3329019; TOWN OF NEWMARKET) shall be permitted to have a maximum FSI of 3.7 FSI.

Item 2 Schedule 3: Land Use

Schedule 3: Land Use is revised by redesignating a portion of the Subject Land as “Natural Heritage System” as shown on Schedule “A” attached.

Item 3 Schedule 4: Height and Density

Amending Schedule 4: Height and Density to note that the Subject Land is subject to Section 15.0 Exceptions as shown on Schedule B to this amendment.

Item 4 Schedule 6: Parks, Open Space & Natural Heritage

Schedule 6: Parks, Open Space & Natural Heritage is revised by redesignating a portion of the Subject Land as “Natural Heritage System” as shown on Schedule “C” attached.

Item 5 Vegetation Protection Zones

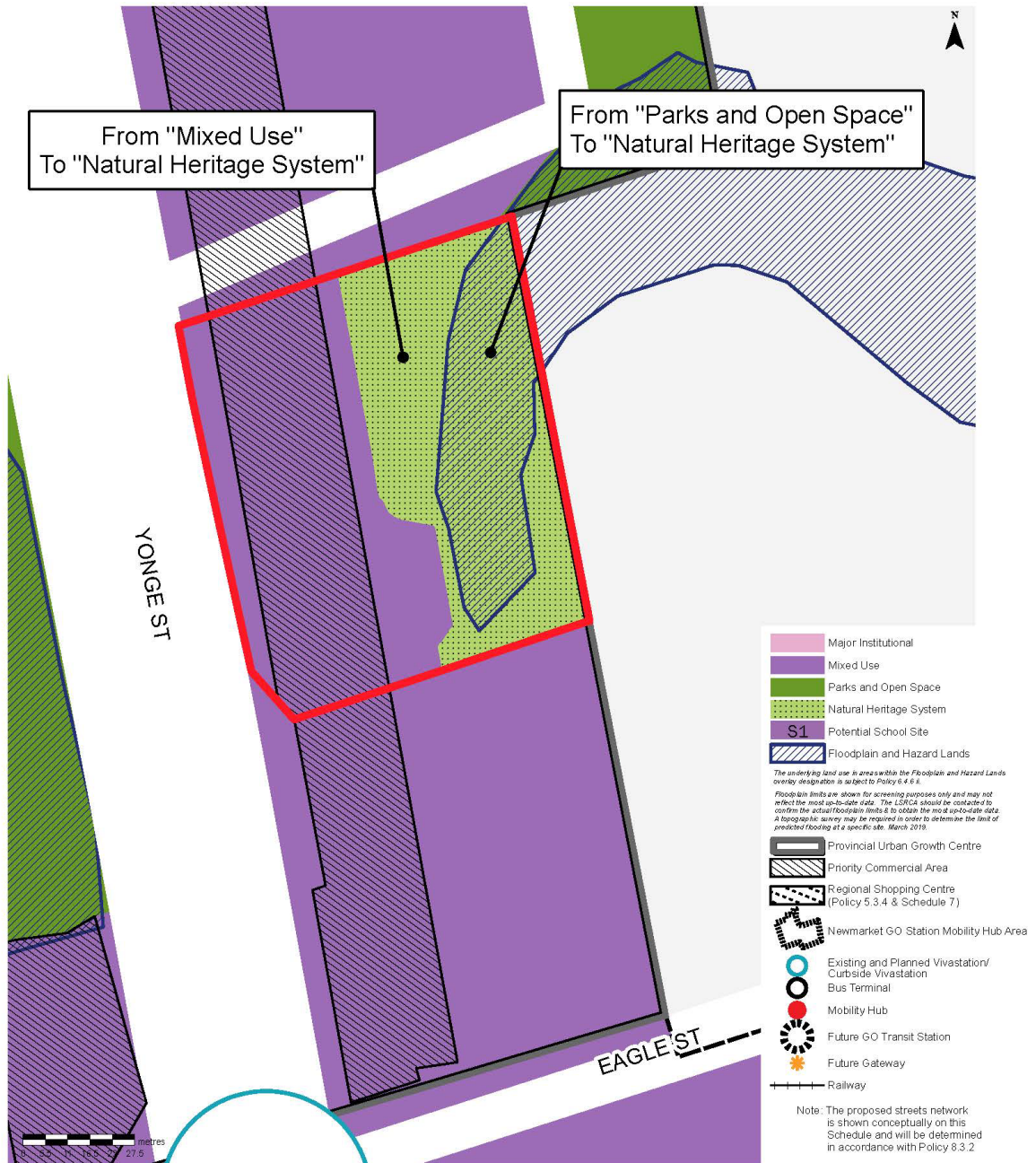
Notwithstanding Sections 9.2.3 and 9.3.2.2 of the Town’s Official Plan, the size and extent of minimum vegetation protection zones shall be in accordance with the reduced buffers as shown in Schedule “D”.

All other requirements of the Secondary Plan remain in place.

3. Schedules

Schedule A to OPA No. 38

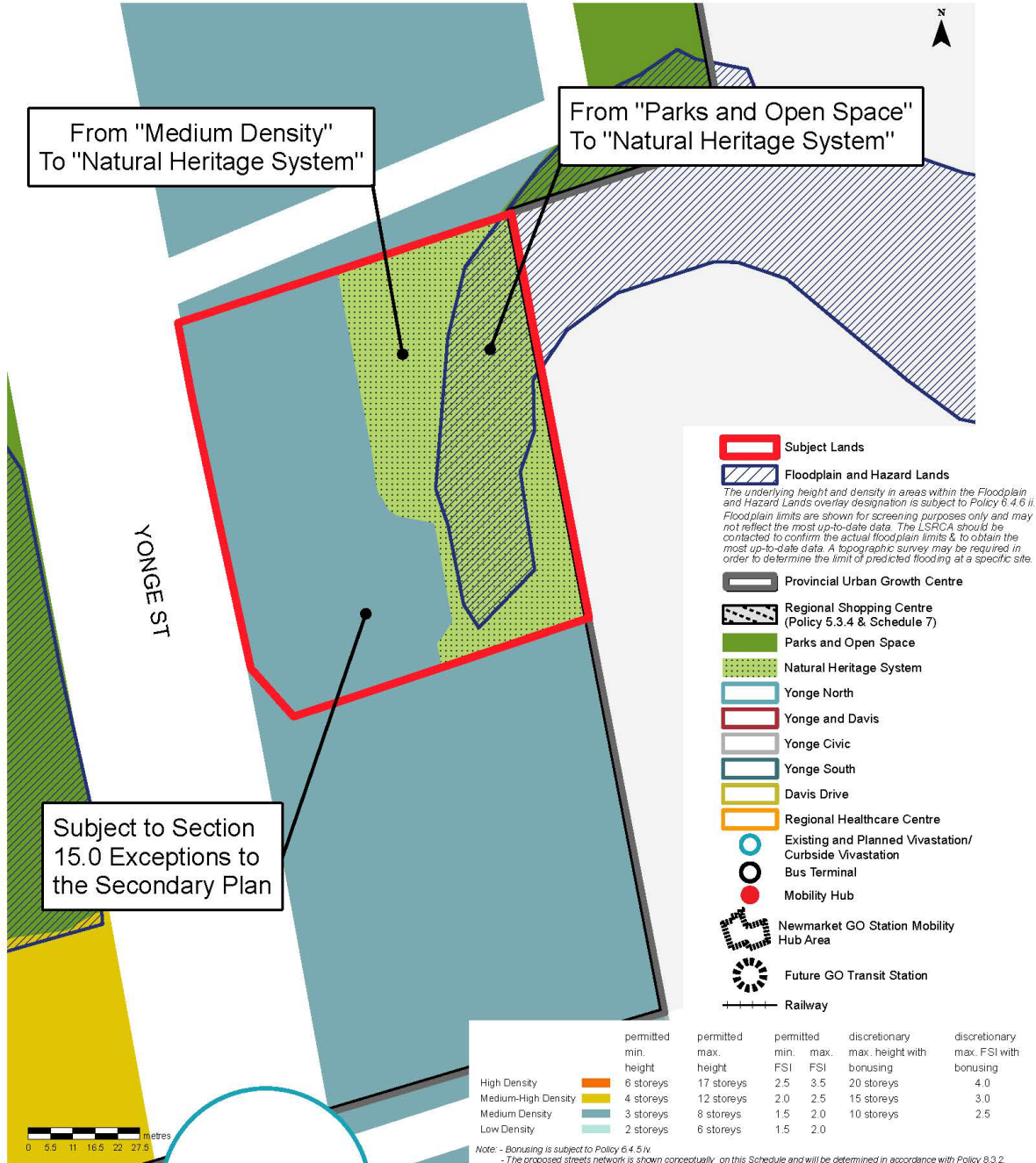
SCHEDULE 3: LAND USE



Designed & Produced by Information Technology – GIS Updated: August 2022. Source: Roads, Municipal Boundary, Railway, Waterbodies- Geomatics Division, Planning and Development Services Department © The Regional Municipality of York, 2011; Flood Plain - Lake Simcoe Region Conservation Authority, 2019. All other map layers - Town of Newmarket. **DISCLAIMER: This document is provided by the Town of Newmarket for your personal, non-commercial use. The information depicted on this map has been compiled from various sources. While every effort has been made to accurately depict the information, data/mapping errors may exist. This map has been produced for illustrative purposes only. It is not a substitute for a legal survey.**

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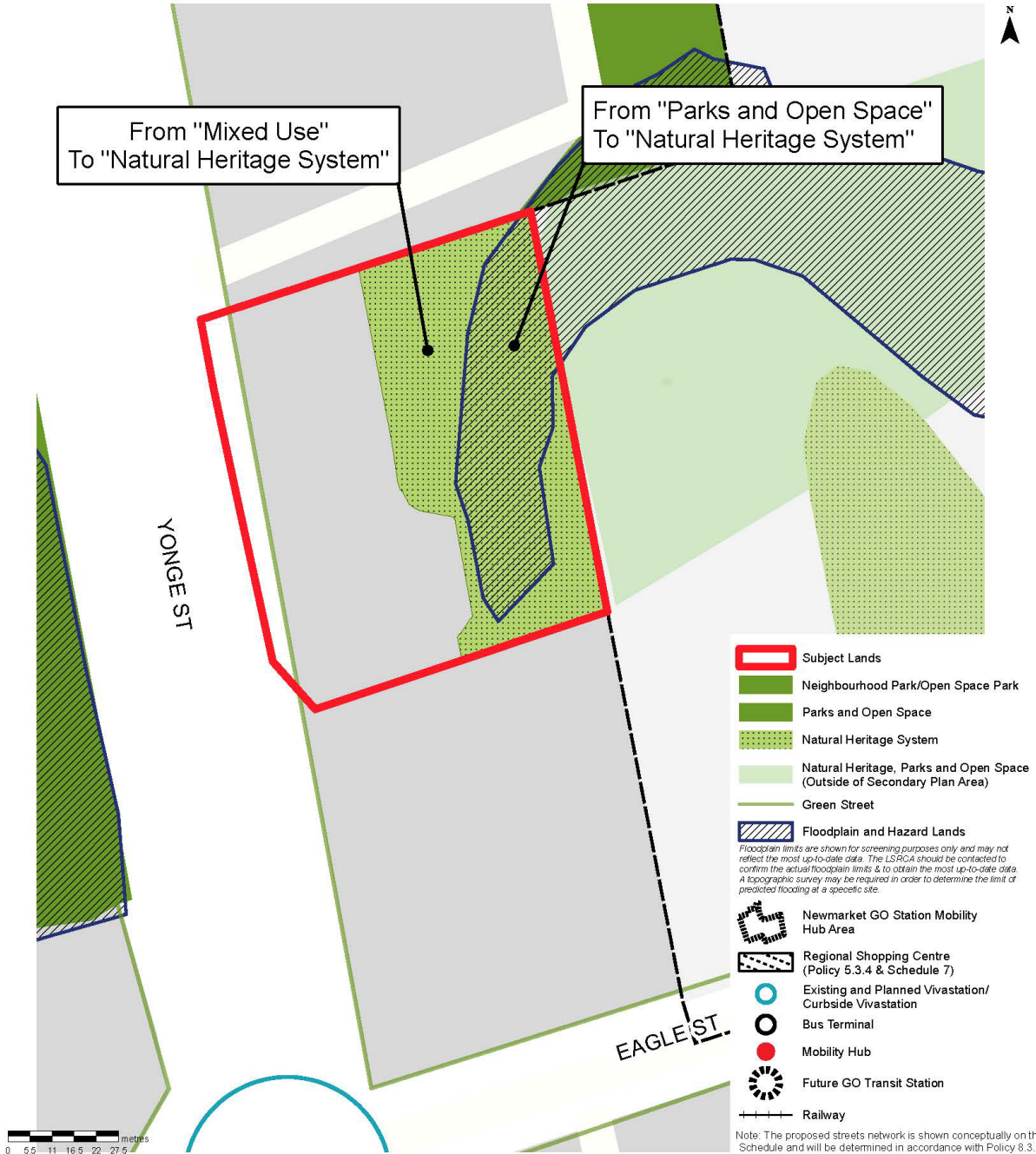
SCHEDULE 4: HEIGHT AND DENSITY



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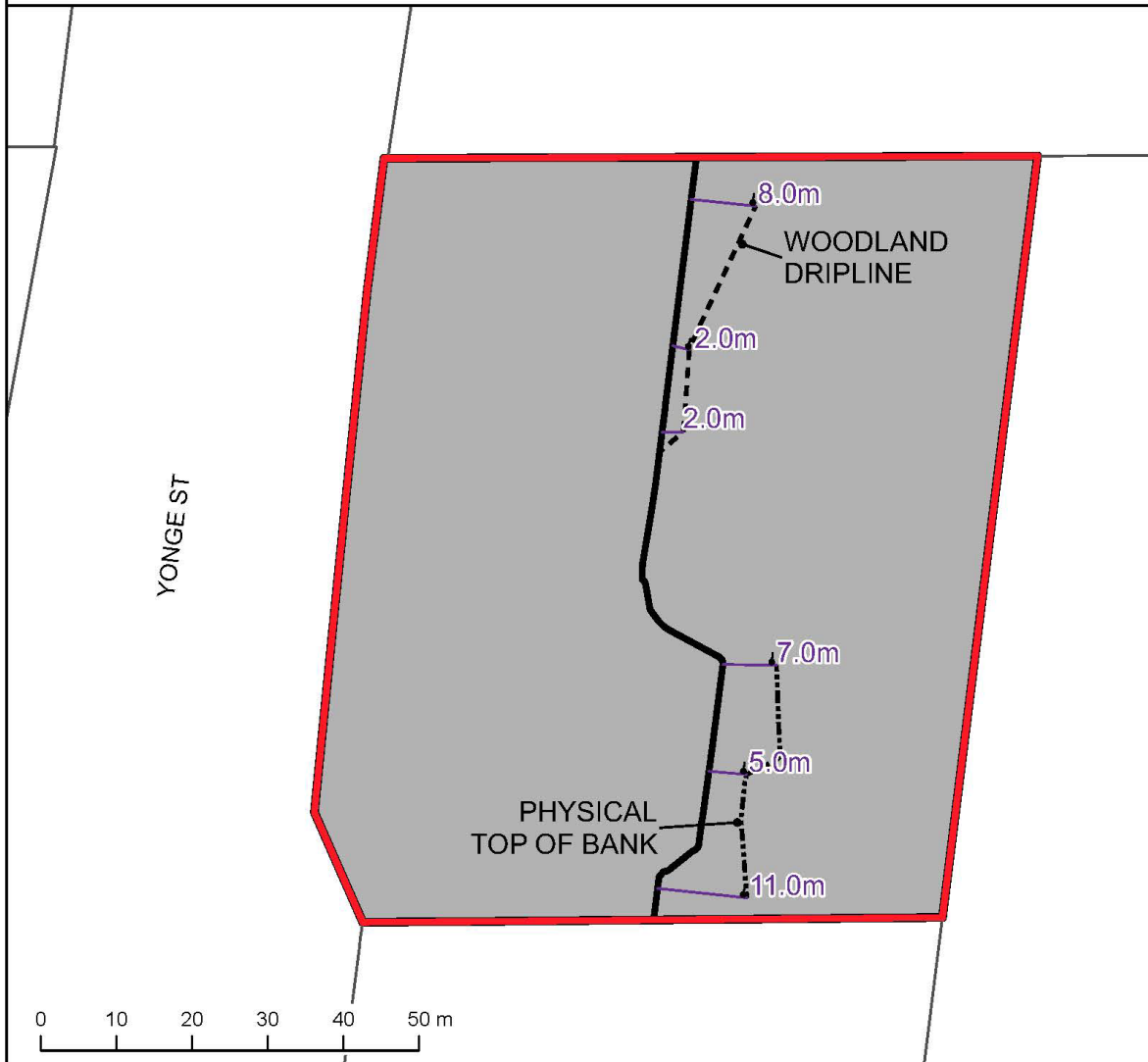
SCHEDULE 6: PARKS, OPEN SPACE & NATURAL HERITAGE



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TOWN OF NEWMARKET
 REGIONAL MUNICIPALITY OF YORK
 17175 YONGE STREET
 PLAN 49 PT LOT 1 AND EXP
 PLAN YR2071513 PARTS 2 TO 4



Schedule "D" to OPA No. 038
 TOWN OF NEWMARKET PLANNING DEPARTMENT



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4. Implementation and Interpretation

This Amendment to the Official Plan will be implemented as follows:

a) Zoning By-law

It is Council's intent to implement this Amendment by enacting an appropriate zoning by-law pursuant to the provisions of the Planning Act R.S.O. 1990, C.P. 13, on the lands affected by this amendment.

b) Site Plan Approval

It is Council's intent to implement this Amendment, the land use designations and policies of this Plan, and a high standard of site layout and design by requiring site plan approval pursuant to the provisions of the Planning Act, on the Lands affected by this Amendment.

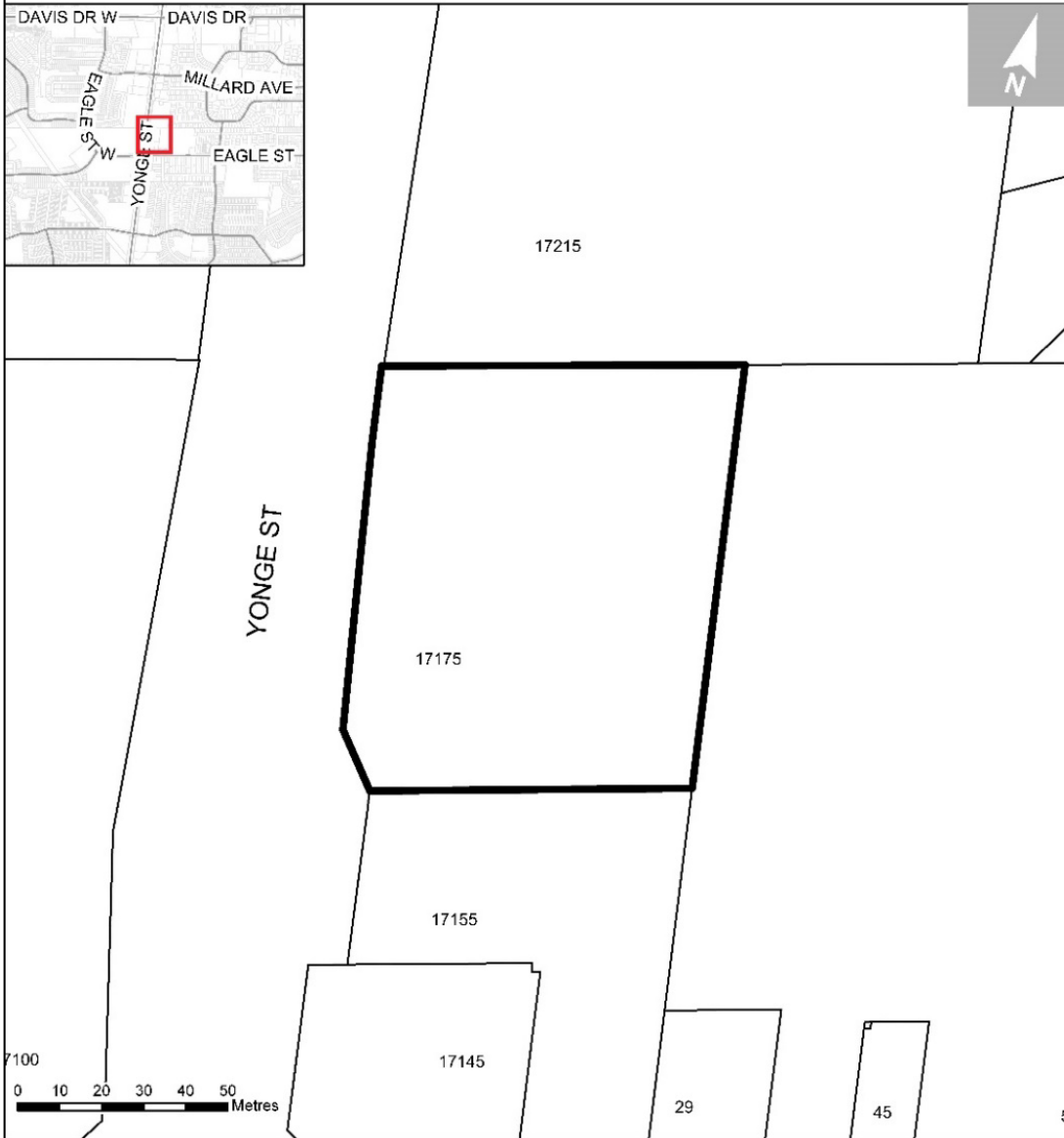
PART C THE APPENDIX

The following appendix does not constitute part of this Amendment and is included for information purposes only.

1. Map 1

Map 1, which shows the location of the subject land is attached hereto for information purposes only.

Location Map - 17175 Yonge Street



Automatically Generated
by Staff Online GIS
Printed: 2023-07-31.

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